

### **REMARKS**

In view of the above Amendment, Applicant believes the pending application is in condition for allowance.

Claims 1-11 are currently pending in the application. Claims 1 and 8 are in independent form. Claims 1 and 8 are currently amended. Claims 4, 5, and 7 are canceled. No claims are added.

### **REJECTION UNDER 35 U.S.C. § 103(a)**

The Office Action indicates that claims 8, 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,070,141 issued to Houvener et al (hereinafter "Houvener") in view of the U.S. Patent Publication No. 2003/0014372 of Wheeler et al (hereinafter "Wheeler"). Claims 1-7 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Houvener in view of U.S. Patent No. 6,250,597 issued to Forslund (hereinafter "Forslund") and in further view of Wheeler. These rejections are respectfully traversed.

Independent claims 1 and 8 have been amended to substantially include the subject matter of (now-canceled) claims 4, 5, and 7. Furthermore, the included subject matter of claim 4 has been amended in accordance with the specification to clarify that certification of a right person requires a total number of authentication information instances to be greater than a predetermined threshold.

***Houvener does not disclose a "total number ... of authentication information ... is more than a predetermined reference number."***

As amended, independent claims 1 and 8 recite, in part:

An authentication [apparatus/system] ... wherein ...

said personal authentication receiving unit certifies the right person when a total number of the plurality of authentication information respectively received from the different articles is more than a predetermined reference number; ....

Thus, the claims disclose utilization of a total number (i.e., *quantity*) of authentication information. A higher number of verifiable authentication information instances thus increases the likelihood that the person presenting the information is "the right person".

In contrast, the Office Action asserts that a "particular identification *quality* score" disclosed in Houvener corresponds to the "value" previously recited in claim 4 of the application (pre-amendment). (OA, pages 6-7, section 20. Emphasis added.) Houvener discloses that each of at least two "identification information units" is associated with its own identification quality score. Houvener, col. 11, lines 44-67. The "quality score" for each identification information unit in Houvener appears to be utilized independently. For instance, if a score associated with a first identification information unit is below a threshold, information (including identification quality scores) corresponding to one or more second identification units is downloaded from a database for consideration and manual verification by the identifying clerk. (Col. 12, lines 6-10). If a transaction or series of transactions is successful, the scores may be adjusted. (Col. 12, lines 21-23). The scores indicate a level of trustworthiness of the association between a particular identification information unit and its presenter. Hence, a total number of "quality scores" is not disclosed by Houvener to be determined or compared to a threshold for certification.

***Houvener does not disclose a "plurality of assistant articles holding the same authentication information".***

Houvener discloses that the system "assign[s] an identification quality score to each second identification information unit." (Col. 9, lines 62-66.) However, the identification information units do not hold the quality score, nor is it clear that each second identification information unit is assigned the same quality score, as required by claim 1. The "quality scores" of Houvener are located in a remote database (col. 6, lines 52-56), whereas instances of authentication information in independent claims 1 and 8 of the present application are held by the authentication articles themselves. (See claims 1 and 8). Claims 1 and 8 are, therefore, believed to be in further condition for allowance.

Wheeler and Forslund do not separately or in combination remedy the inadequacies of Houvener. Applicant submits, therefore, that independent claims 1 and 8 are in condition for allowance. Claims 2-3 and 6 and 9-11 depend from either claim 1 or 8 and are therefore submitted to be in condition for allowance for at least the same reasons as their base claims. Withdrawal of the rejection and reconsideration of the claims are respectfully requested.

Moreover, claim 9 recites that authentication information is transmitted "to said authentication apparatus by radio using an energy by an electromagnetic wave acquired from outside." None of the applied references discloses an article for authentication that communicates by radio using electromagnetic wave energy acquired from outside the article. Claim 9 is therefore believed to be further distinct from the applied art of record.

### CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata, Reg. No. 39,491 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

Michael R. Cammarata  
Registration No.: 39,491  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant